IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.270 OF 2007

Shri Makrand Rajaram Wagh .. Petitioner
v/s.
The Chief General Manager (Hydro),
Mahrashtra State Electricity Generation
Company Ltd. and another .. Respondents

Mr. Tejas Dande for the petitioner.
Mr. L.M. Acharya for the respondent No.1.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED : 24TH APRIL, 2007

P.C.

The petitioner is being charged for the offences under the Prevention of Corruption Act as also a departmental enquiry, in respect of which the chargehseet has been filed. The petitioner has prayed before this court that since the charge in the criminal proceedings and the departmental proceedings is the same, his defence would be jeopardised and as such, the departmental proceedings should be stayed.

2. We are very clear that the officers who are chargesheeted for offences of corruption cannot take advantage of the fact that sometime because there are criminal proceedings pending, the departmental enquiry is not proceeded with. The Apex Court has

made it clear that it is open to the disciplinary authority to take a decision whether to proceed with the enquiry or not. In the instant case, the disciplinary authority has taken that decision. Even otherwise, the persons charged of offences like corruption cannot take advantage of long delays, if otherwise they are guilty of the offence. We are, therefore, clearly of the opinion, that in such matters, the extraordinary jurisdiction of this court should not be allowed to be invoked to assist such petitioners.

3. The petitioner will have full opportunity of defending the matter before the enquiry officer. The respondents are bound to hear the petitioner and make available all documentary evidence which they seek to rely upon.

With the above observation, petition stands disposed of.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)